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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,120	05/22/2001	Masaya Matsuura	397.31.01	9566
22242	7590	10/20/2004	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			LU, TOM Y	
		ART UNIT	PAPER NUMBER	
		2621		

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/863,120	MATSUURA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Tom Y Lu	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 June 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. The written response filed on June 22, 2004 has been entered.
2. Claims 14-18 are cancelled.
3. Claims 1-13 are pending.

### *Response to Arguments*

4. Applicant's arguments filed on June 22, 2004 have been fully considered but they are not persuasive.

#### The Salesin Reference:

Applicant argues there is no suggestion to provide line drawing vibration in Salesin. In addition, Salesin only describes shading of still objects. Shading is not vibration and is not related to vibration. Further, Salesin only describes still images, and does not describe animation of the image. Therefore, Salesin does not teach or suggest at least vibrating line drawing image pieces or mean for imparting vibration to each line drawing image piece.

Upon further review of specification, and in light of applicant's arguments, the examiner respectfully disagrees for the following reasons. First of all, the examiner would like to point out that nowhere in the claims the limitation of "animation of the image" is recited; therefore, the allegation of "Salesin et al. only describes still image, and does not describe animation of the image" is falsified. With regard to the limitation of "vibration", the examiner feels the need to clarify the explanation in the previous office action. First, the examiner would like to direct applicant's attention to the Merriam-Webster's collegiate dictionary definition of "vibrate" (a copy of dictionary definition is attached herein), "*to swing or move to and fro... to move to and fro or from side to side...*", which basically means a wave-like movement or oscillation. And Salesin at column 7, lines

39-42, teaches “Fig. 2B demonstrates how the original stoke 26, shown in Fig. 2A, can have character added to it with a *waviness function* by varying the pressure on the nib 28, to form a new stroke 32”, column 9, lines 43-45, “Further, operations can be used to edit various portions of the image, such as adding waviness to lines 57, which represent wood, as shown in Fig 5E”, such teachings shows “means for imparting vibrations” in Salesin is to vary the pressure on the nib with a waviness function to the line drawing image pieces (note an example of the line drawing image piece in Salesin is the wood lines shown in figure 5E). And the “means for drawing vibrating line drawing image pieces in a memory” is the “waviness” adding means to apply waviness function on a line image piece Fig 5D in memory, and the result is shown in figure 5E.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Salesin et al (U.S. Patent No. 5,847,712).

a. Referring to Claim 1, Salesin discloses means for generating a line drawing image (a house shown in figures 18A-18C is the claimed a line drawing image) comprising line drawing image pieces (roof, fence, walls, windows and doors in figures 18A-18C are the claimed “image piece”); means for imparting vibrations to each of said line drawing image pieces (column 7, lines 39-43 and column 9, lines 43-45, see explanation in paragraph 4 above); means for drawing vibrating line drawing image

pieces in a memory (column 9, lines 43-45, also see explanation in paragraph 4 above).

- b. Referring to Claim 2, Salesin discloses wherein line drawing image comprises a three-dimensional line drawing image (figures 18A-18C are 3-D line drawing images).
- c. Referring to Claim 3, Salesin discloses wherein said means for imparting vibration generates vibrations to each of said line drawing image pieces by adding a random number to each coordinate of vertices of polygons forming each of said line drawing image pieces in a three dimensional space (by varying the pressure on the nib 28 with a waviness function to create wave-like lines, which inherently adds a random number to each coordinate of vertices of the 3-D line image stored in memory).
- d. Referring to Claim 4, Salesin discloses wherein said three-dimensional line drawing image drawn in said memory by said means for drawing is a substantially linear image comprising vibrating line drawing image pieces horizontally extending substantially from one side to another said on a display screen (the door/window like image piece shown in figure 5D, which is a part of 3-D line drawing house shown in figures 18A-18C, is a substantially linear image piece. After adding the waviness function, the wave lines are shown in figure 5E with horizontally extending substantially from one side to another side on a visual display device 23).
- e. Referring to Claim 5, Salesin discloses wherein a vibrating non-linear line drawing image is inserted in a part of said substantially linear image comprising vibrating line drawing image pieces (as seen in figure 5D, some of the non-linear line drawing image also become wave-like line image).

- f. With regard to Claim 6, all limitations are addressed in Claim 1.
- g. With regard to Claim 7, all limitations are addressed in Claim 2.
- h. With regard to Claim 8, all limitations are addressed in Claim 3.
- i. With regard to Claim 9, the only difference between Claim 9 and Claim 1 is Claim 9 calls for an additional limitation of “a recording medium for storing a program”, which Salesin discloses implementing his system on a computer, which inherently includes a recording medium for storing a program.
- j. With regard to Claim 10, all limitations are addressed in Claim 2.
- k. With regard to Claim 11, all limitations are addressed in Claim 3.
- l. With regard to Claim 12, all limitations are addressed in Claim 4.
- m. With regard to Claim 13, all limitations are addressed in Claim 5.

*Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

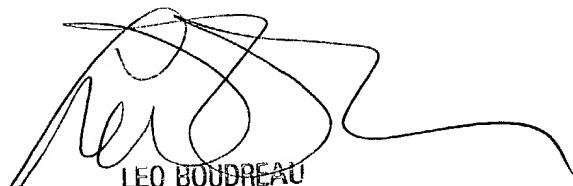
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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Y Lu whose telephone number is (703) 306-4057. The examiner can normally be reached on 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Y. Lu



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